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Approved for use through 04/30/2009. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)  
TOBINICK 3.0-013 (CIP)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,537,549 Application Number 09/841,844

Issue Date 03/25/2003 Filing Date 04/25/2001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above - identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

June 12, 2008  
Date

  
Signature

Ezra Sutton, Esq.

Typed or printed name of person signing Certificate

06/26/2008 ALLEN 00000013 6537549

01 FC:2551  
02 FC:1558

465.00 OP  
1640.00 OP

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>465.00</u>	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 465.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2,105.00.

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 504246. A duplicate copy of this authorization is attached.

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OR

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Send refund check.

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8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE  
ACCEPTED AND THE PATENT REINSTATED.

\_\_\_\_\_  
Signature(s) of Petitioner(s)

\_\_\_\_\_  
June 12, 2008

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ezra Sutton, Esq.  
Typed or printed name(s)

\_\_\_\_\_  
25.770  
Registration Number, if applicable

\_\_\_\_\_  
732-634-3520  
Telephone Number

\_\_\_\_\_  
900 Route 9 North  
Address

\_\_\_\_\_  
Woodbridge, N.J. 07095  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

☒

Maintenance Fee payment

☒

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐



LAW OFFICES  
EZRA SUTTON, P. A.  
A PROFESSIONAL CORPORATION  
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900 ROUTE 9  
WOODBIDGE, NEW JERSEY 07095  
PATENT AND TRADEMARK ATTORNEYS

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(732) 634-3520  
FAX: (732) 634-3511  
www.ezrasutton.com

June 11, 2008

**VIA EMAIL AND MAIL**

Dr. Edward L. Tobinick  
100 UCLA Medical Plaza, Suite 205  
Los Angeles, California 90024-6903

643/08

---

FOR PROFESSIONAL SERVICES RENDERED:

Re: Our File: TOBINICK 3.0-013 (CIP)  
U.S. Patent No. 6,537,549 (U.S.S.N. 09/541,844)  
Date of Patent: March 25, 2003 (Filed: April 25, 2001)  
**CYTOKINE ANTAGONISTS FOR THE TREATMENT  
OF LOCALIZED DISORDERS**

For disbursements in connection with the payment of the  
patent maintenance fee for U.S. Patent No. 6,537,549.

..... \$2,105

P.S. See attached Petition and check as filed.

ES/pq

**BILLS PAYABLE UPON RECEIPT**

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*June 25, 2008*  
*Re-sent*

*Ezra Sutton*  
Signature

Ezra Sutton, Esq.

Typed or printed name of person signing Certificate

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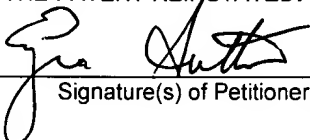
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\_\_\_\_\_  
Signature(s) of Petitioner(s) June 25 2008  
Date

Ezra Sutton, Esq.  
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Typed or printed name(s) 25,770  
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